

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

Benjamin Reetz, individually and as the
representative of a class of similarly situated
persons, and on behalf of the Lowe's 401(k) Plan,

Plaintiff,

v.

Lowe's Companies, Inc., Administrative
Committee of Lowe's Companies, Inc., and Aon
Hewitt Investment Consulting, Inc.,

Defendants.

Case No. 5:18-cv-00075-KDB-DCK

**PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF
PARTIAL CLASS ACTION
SETTLEMENT WITH LOWE'S
DEFENDANTS**

Plaintiff Benjamin Reetz ("Plaintiff"), as representative of the class previously certified by the Court (*see* Dkt. 97) and on behalf of the Lowe's 401(k) Plan (the "Plan"), respectfully moves this Court for an Order: (1) preliminarily approving the Settling Parties' Class Action Settlement Agreement; (2) approving the proposed Notices of Settlement; (3) certifying the proposed Settlement Class for purposes of Settlement; (4) scheduling a Fairness Hearing; and (5) granting such other relief as set forth in the proposed Preliminary Approval Order submitted herewith, including a preliminary bar order consistent with Paragraphs 2.1(e) and 2.3(g) of the Settlement Agreement.

This motion is made pursuant to Federal Rule of Civil Procedure 23(e), and is based on the accompanying Memorandum of Law and authorities cited therein, the Declaration of Kai Richter and exhibits thereto, the Declaration of Benjamin Reetz and exhibit thereto, the Settling Parties' Settlement Agreement, and all files, records, and proceedings in this matter.

Neither the Settling Defendants nor Aon Hewitt Investment Consulting, Inc. ("Aon") oppose the settlement or entry of the proposed bar order.

Respectfully Submitted,

Dated: May 28, 2021

NICHOLS KASTER, PLLP

/s/ Kai H. Richter

Kai H. Richter, MN Bar No. 0296545*

Paul J. Lukas, MN Bar No. 22084X*

Brock J. Specht, MN Bar No. 0388343*

Mark E. Thomson, MN Bar No. 0398260*

Patricia C. Dana, MN Bar No. 0400803*

** admitted pro hac vice*

4700 IDS Center

80 S 8th Street

Minneapolis, MN 55402

Telephone: (612) 256-3200

Facsimile: (612) 338-4878

krichter@nka.com

lukas@nka.com

bspecht@nka.com

mthomson@nka.com

pdana@nka.com

THARRINGTON SMITH, L.L.P.

F. Hill Allen, N.C. Bar No. 18884

Post Office Box 1151

150 Fayetteville Street

Raleigh, N.C. 27602-1151

Telephone: (919) 821-4711

Fax: (919) 829-1583

Email: hallen@tharringtonsmith.com

Attorneys for Plaintiff and the Class